

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Case No. 07-05015-01/02-CR-SW-DGK
	)	
vs.	)	Date: 8/4/10
	)	
BRIAN ELLEFSEN and MARK ELLEFSEN,	)	
	)	
Defendant(s).	)	

MINUTE SHEET

HONORABLE GREG KAYS presiding at Springfield, Missouri.

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Nature of Proceeding: Sentencing

Time Commenced: 1:00 p.m.

Time Terminated: 3:29 p.m.

**Plaintiff by:**

Steve Mohlhenrich, AUSA

Michael Boteler, AUSA

**Defendant(s) by:**

Edward Dowd, Thomas Rea, Shane Cantin for B. Ellefsen

Rob Aiken for M. Ellefsen

Remarks:	Witness:
1:00 p.m. In session. Shane Cantin renews his motion to withdraw. The motion is granted. Defendant Brian Ellefsen renews his motion to continue. The motion is denied. Record made regarding objections to the presentence investigation reports. 1:29 p.m. Dft Mark Ellefsen calls Mike Hopfinger. 1:42 p.m. Cross by gov't. 1:47 p.m. Redirect. 1:48 p.m. Recross by dft Brian Ellefsen. 1:50 p.m. Break. 2:05 p.m. In session. Record made regarding total tax loss and restitution. 2:12 p.m. Sentencing recommendation on behalf of Brian Ellefsen. 2:43 p.m. Sentencing recommendation on behalf of Mark Ellefsen. 2:55 p.m. Sentencing recommendation by government. 3:06 p.m. Defendants accorded allocution. 3:08 p.m. Brian Ellefsen's motion for acceptance of responsibility is denied. The Court sentences Brian Ellefsen to 22 months on Counts 1, 2, 3 and 4, to be served concurrently. Supervised release of 3 years on Count 1, and 1 year on each of Counts 2, 3 and 4 imposed, to run concurrently. MPA of \$400 imposed. The Court will enter a separate order regarding restitution. The Court sentences Mark Ellefsen to 14 months on Counts 1, 5, 6 and 7, to run concurrently. Supervised release of 3 years on Count 1, and 1 year on each of Counts 5, 6 and 7 imposed, to run concurrently. MPA of \$400 imposed. Restitution in the amount of \$50,000 imposed. Defendants advised of right to appeal. Defendants are allowed five weeks to self-surrender. Rob Aiken renews his motion to withdraw. The motion is taken under advisement. Defendant Brian Ellefsen requests bond pending appeal. The Court directs that a written motion be filed. 3:29 p.m. Court adjourned.	Mike Hopfinger 1:30 - 1:49 p.m.